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6 Attorneys for Defendants
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8 IN THE UNITED STATES DISTRICT COURT
9

EASTERN DISTRICT OF CALIFORNIA
10

11 AIAI QI,
12 Plaintiff,
13 v.
14 ALEJANDRO MAYORKAS, ET AL.,
15 Defendants.

CASE NO. 2:23-CV-0377-DAD-JDP (PS)

DEFENDANTS' REPLY

Date: June 15, 2023
Time: 10:00 a.m.
Courtroom: 9

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1 On April 5, 2023, Defendants moved to dismiss all claims in Plaintiff's complaint. (ECF 5.) Per
2 E.D. Cal. Local Rule 230(c), Plaintiff's opposition to Defendants' motion was due on or before April 19,
3 2023. Plaintiff failed to timely file an opposition, however.¹ Defendants accordingly request that the
4 Court construe Plaintiff's failure to oppose Defendants' motion as a non-opposition and grant
5 Defendants' motion to dismiss. *See* E.D. Cal. Local Rule 230(c) ("A failure to file a timely opposition
6 may . . . be construed by the Court as a non-opposition to the motion."); *see also Lombana v. Green*
7 *Tree Servicing, LLC*, no. CV 14-8330-JCG, 2015 WL 3999366, at *5 (C.D. Cal. June 29, 2015) ("As a
8 rule, a plaintiff's failure to address a defendant's arguments for dismissal constitutes abandonment of
9 [those] claim[s].") (internal quotation omitted).

10 Defendants respectfully request that the Court grant Defendants' motion to dismiss. Defendants'
11 voluntary actions have rendered Plaintiff's claims moot, and there is no longer any live case or
12 controversy.

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14 Dated: April 24, 2023

PHILLIP A. TALBERT
United States Attorney

15 /s/ ELLIOT C. WONG
16 ELLIOT C. WONG
17 Assistant United States Attorney

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28 ¹ Nor has Plaintiff responded to any of the undersigned's communications as of the time of this
filing.

1 CERTIFICATE OF SERVICE BY MAIL
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3 The undersigned hereby certifies that she is an employee in the Office of the United States
4 Attorney for the Eastern District of California and is a person of such age and discretion to be competent
5 to serve papers; that on April 24, 2023, she served a copy of the **(DEFENDANTS' REPLY)** by placing
6 said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address
7 stated below, which is the last known address, and by depositing said envelope and its contents in the
8 United States Mail at Sacramento, California.
9

10 Addressee:

11 **Aiai Qi**
12 **7793 Finnhorse Way**
12 **Sacramento, CA 95825**

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16 PHILLIP A. TALBERT
17 United States Attorney

18 _____
19 /s/ S. Camacho
S. Camacho